

## FOURTEENTH DAY.

(Continued.)

(Thursday, October 1, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

RELATIVE TO POST OFFICE  
BOX RENT OF MEMBERS  
OF THE HOUSE.

Mr. Ray moved that the members of the House discontinue the use of their post-office boxes and that no further box rent be paid.

The motion prevailed.

MESSAGE FROM THE  
GOVERNOR.

The Speaker laid before the House and had read the following message from Gov. Ross S. Sterling:

Executive Office,  
September 30, 1931.

To the Members of the Forty-second Legislature:

According to the last enumerated Federal census the State of Texas is entitled to additional Members of Congress. Under the Federal and State Constitutions and laws, it is therefore, necessary that the Legislature re-district the State as to congressional representation.

I, therefore, hereby submit to you the subject of congressional re-districting for your consideration.

Respectfully,

R. S. STERLING,  
Governor.

LEAVES OF ABSENCE  
GRANTED.

The following members were granted leaves of absence on yesterday, to represent the House of Representatives in the trial of Judge J. B. Price in the Senate: Messrs. Graves, DeWolfe, Petsch, Lockhart, and Vaughan.

MOTION TO SUSPEND CERTAIN  
RULES.

Mr. Burns of McCulloch moved that the 48-hour rule and the 72-hour rule, which relate to the consideration of bills, and that Section 1 of Rule 15 be suspended for the purpose of taking up and considering House bill No. 38.

The motion was lost.

IN COMMITTEE OF THE WHOLE  
HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Metcalfe, the House, at 9:20 o'clock a. m., resolved itself into a Committee of the Whole House for the purpose of considering Senate bill No. 25.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 5:50 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, and report progress.

The following proceedings of the Committee of the Whole House were also reported:

The Committee of the Whole House resumed consideration of Senate bill No. 25.

Mr. Charles Butler of Beaumont, Texas, was presented by the Speaker and addressed the Committee of the Whole House.

(Mr. Ford in the chair.)

Mr. McGregor moved that Mr. E. R. Kone of Austin be invited to address the Committee of the Whole House at this time.

The motion prevailed.

In accordance with the above action, the Chairman announced the appointment of the following committee to escort Mr. Kone to the Speaker's stand: Messrs. McGregor, Mathis, and Petsch.

The committee having performed their duty, Mr. Ford presented Mr. McGregor, who in turn introduced Mr. Kone.

Mr. Kone then addressed the Committee of the Whole House.

The following were also introduced and addressed the Committee of the Whole House in regard to the pending measure: Mr. J. P. Logan, mayor of Port Arthur, Mr. A. H. Boyt, president of the American Rice Growers Association, Mr. Bill Reid of Orange, Texas, and Mr. Gilbert Denman of San Antonio, Texas.

Mr. Hanson offered the following amendment to the bill:

Amend Senate bill No. 25, in line 9, page 2, by inserting the following words after the word "beds:" "Provided, that no land of any river bed or other lands owned by the State shall be leased or drilled except in proven and producing territory."

Mr. Metcalfe offered the following substitute for the amendment:

Amend Senate bill No. 25, page 4, by adding after the end of Section 8-a a new section to be numbered Section 8-aa, and reading as follows:

"Sec. 8-aa. Said board shall be authorized to lease for oil and/or gas development only such portions of the river beds or channels belonging to the State of Texas as are situated within the confines of territory which has been proven as to oil and/or gas development in paying quantities and may be made of any river bed or channel not more than one-quarter of a mile from a well producing oil and/or gas in paying quantities."

METCALFE,  
FORD,  
PETSCH,  
ROUNTREE,

Mr. Van Zandt moved the previous, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question—Shall the substitute amendment by Mr. Metcalfe be adopted?

(Speaker in the chair.)

At 12 o'clock m., Mr. Lemens ask unanimous consent of the House that the Committee stand at ease until 2 o'clock p. m., today.

There was no objection offered, and it was so ordered.

The Committee of the Whole House reconvened at 2 o'clock p. m., and was called to order by the Chairman.

The Committee of the Whole House resumed consideration of pending business, same being Senate bill No. 25, with amendment by Mr. Hanson and substitute amendment by Mr. Metcalfe, pending.

Question first recurring on the substitute amendment by Mr. Metcalfe, it was lost.

Mr. Young offered the following substitute for the amendment by Mr. Hanson:

Amend Senate bill No. 25, page 4, by adding after the end of Section 8-a a new section to be numbered Section 8-aa, and reading as follows:

"Sec. 8-aa. Said board shall be authorized to lease for oil and/or gas development only such portions of the river beds or channels belonging to the State of Texas as are situated within the territory which has been proven as to oil and/or gas development in paying quantities, and said board is hereby invested with power and is authorized to find as a fact what constitutes proven territory."

YOUNG,  
FARRAR,  
HANSON.

The substitute amendment was adopted.

Mr. Hanson then withdrew the pending amendment by himself.

Mr. Metcalfe offered the following amendment to the bill:

Amend Senate bill No. 25, page 4, by adding after Section 8-aa a new section to be numbered Section 8-ab, and reading as follows:

"Sec. 8-ab. Said board is authorized to lease, subject to the provisions of Section 8-aa, the river beds and channels belonging to the State of Texas without an obligation on the lessee to drill and develop the leased area for oil and/or gas; provided, that when it is so leased, a proportionately higher price shall be obtained therefor to compensate the State for the value of the oil and gas lease and the lessee shall pay the State, at a reasonable market price, as advanced royalties, for the estimated amount of oil and/or gas under said land, and/or the board may provide that said lessee shall drill within a reasonable time outside of said river bed, without drilling offsets, and shall give to the State at least a royalty of one eighth (1/8) of the joint acreage of the State and lessee in proportion to the amount of land owned by each in the territory to be covered by such contract."

METCALFE,  
FORD,  
PETSCH,  
ROUNTREE.

The amendment was adopted.

Mr. Terrell of Val Verde offered the following amendment to the bill:

Amend Senate bill No. 25, by add-

ing a new section at the end of line 7, on page 3, of mimeographed bill, to be known as Section 8-b, and to read as follows:

"Sec. 8-b. There is hereby appropriated out of the State Treasury, out of funds not otherwise appropriated, the sum of two million dollars (\$2,000,000), or so much thereof as may be necessary, for the purpose of buying drilling equipment, building pipe lines, building refineries, building filling stations, and paying operating expenses of each in the event oil or gas is found in paying quantities."

On motion of Mr. Hubbard, the amendment was tabled.

Mr. Farmer offered the following amendment to the bill:

Amend Senate bill No. 25 by striking out lines 16 to 24, inclusive, on page 2.

Mr. Young offered the following substitute for the amendment:

Amend Senate bill No. 25, page 2, by striking out all of Section 1 of said Senate bill No. 25 and renumbering subsequent sections accordingly.

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Farmer offered the following amendment to the bill:

Amend Senate bill No. 25 by adding after the word "channels" in line 1, page 3, these words, "or fees simple in right of ways of highways and railroads."

Mr. Sanders moved to table the amendment, and the motion to table was lost.

Question recurring on the amendment by Mr. Farmer, it was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend Senate bill No. 25, by adding after the word "channel" in line 15, page 4, these words, "or any part thereof."

The amendment was adopted.

Mr. Long offered the following amendment to the bill:

Amend Senate bill No. 25, Section 2, page 3, by striking out lines 18, 19, and 20, down to and including the word "dollars," and insert in lieu, the following: "There is hereby appropriated out of the General Reve-

nue fifty thousand dollars (\$50,000), and no more."

The amendment was adopted.

(Mr. Beck in the chair.)

Mr. Petsch offered the following amendment to the bill:

Amend Senate bill No. 25, page 5, by adding an additional section after Section 3, to be numbered as Section 3-a, and which shall read as follows:

"Sec. 3-a. The board is expressly authorized to take into consideration the probability of damages by way of pollution, which might proximately result from drilling in any portion of said river beds or channels. And if such damages are reasonably calculated to be in excess of the total benefits to be derived from the leasing and/or drilling, then it shall be the duty of the board not to enter into such lease or engage in such drilling, and said board is hereby expressly authorized to reject any and all bids and any and all tendered contracts of any character."

PETSCH,  
HUBBARD,  
SANDERS.

The amendment was adopted.

Mr. McDougald offered the following amendment to the bill:

Amend Senate bill No. 25 by adding Section 8-a (c):

"It being hereby declared the policy of this State to avoid drilling in the river beds and channels of this State unless necessary to protect the property rights of the State in all oil or gas that may be under such river beds or channels, and it is hereby provided that the Board of Mineral Development, named in this act, is empowered and hereby made its duty to lease the river beds and channels of this State to royalty owners, lease holders or drilling contractors on lands abutting said river beds and/or channels, under such agreement and contracts as will obtain for the State of Texas its pro rata part of the oil and gas or any minerals in which the State has an interest, when in the judgment of the board the interest of the State may be reasonably protected by such leases."

The amendment was adopted.

Mr. Farrar offered the following amendment to the bill:

Amend Senate bill No. 25, Section

8-b, pages 4 and 5, by striking out all of line 34 after word "assigns," and all of lines 1, 2, 3, 4, and 5 on page 5, and insert in lieu thereof the following words: "the use of reasonable care and proper safeguards to prevent the pollution of said streams, and do such things as the Railroad Commission may require to effect such purposes."

The amendment was adopted.

Mr. McGregor offered the following amendment to the bill:

Amend Senate bill No. 25 by inserting therein a new section between Section 3 and Section 4 thereof, to be known as Section 3-c, and reading as follows:

"Sec. 3-c. In addition to the requirements provided for in Section 3 hereof, the Board of Mineral Development when it makes a lease to any person to develop any lands under the provisions of this act shall require such lessee to make and execute to the Governor a good, sufficient and adequate bond conditioned for the payment to any person, or persons, or city, of all damages which may accrue to such person, persons or city, by reason of the development by such lessee of such land under such lease. Any person affected by such lease shall have the right to bring suit on said bond for the damage so sustained, without waiting for or requiring the action of either the Board of Mineral Development or any other person, and may bring such suit in his own name."

The amendment was lost.

Mr. McGregor offered the following amendment to the bill:

Amend Senate bill No. 25, by inserting therein a new section between Section 2 and Section 3 thereof, and to be known as Section 2-a, reading as follows:

"Sec. 2-a. Any person damaged or injured by any act of the State in carrying out any part or provision of this act, shall have a cause of action against the State, and shall have the right to sue the State on such cause of action for such damages, and is hereby given such right without the necessity of the passage of any further act or resolution to be passed by the Legislature giving such person the right to sue the State."

On motion of Mr. Hubbard, the amendment was tabled.

Mr. McDougald offered the following amendment to the bill:

Amend Senate bill No. 25, by adding thereto another section to be known as Section 4, reading as follows:

"Sec. 4. In the event the State of Texas, by and through the Board of Mineral Development, named in this act, drills for oil or gas in the river beds or channels of this State, the said State of Texas shall in such event be liable to all persons for damages either to person or property occasioned by the drilling or operation of such wells drilled and operated under the authority and supervision of said board; and any person claiming damages either to his person or property, occasioned by the drilling or operation of wells drilled under the authority of said Board of Mineral Development, is hereby authorized to institute suit in any court of competent jurisdiction in this State to recover against the State of Texas the damages claimed by such person or persons, and is hereby given permission to sue the State on such cause of action."

Mr. Hubbard raised a point of order on further consideration of the amendment, on the ground that the House has already defeated a similar amendment.

The Speaker overruled the point of order.

Mr. Petsch offered the following amendment to the amendment:

Amend the amendment, by adding after the word "State," where the same occurs the last time in the amendment, the following: "in Travis county."

Question recurring on the amendment to the amendment, it was lost.

On motion of Mr. Greathouse, the amendment by Mr. McDougald was tabled.

Mr. Morse offered the following amendment to the bill:

Amend Senate bill No. 25, Section 8-a, page 4, lines 19 and 21, by striking out the words and figures "one-eighth (1/8)" and inserting in lieu thereof the words and figures "one-half (1/2)."

On motion of Mr. Sanders, the amendment was tabled.

Mr. Morse offered the following amendment to the bill:

Amend Senate bill No. 25, Section 8-a, page 3, by adding at the end of paragraph 3, the following: "In the event any well so drilled shall fail to produce oil or gas in paying quantities, no further or additional State monies shall be expended for drilling operations or development."

The amendment was lost.

Mr. Morse offered the following amendment to the bill:

Amend Senate bill No. 25, Section 8-a, page 4, line 2, by adding the following after the word "Board": "with the consent of the Legislature."

On motion of Mr. Hubbard, the amendment was tabled.

Mr. Howsley moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate bill No. 25 by the Committee of the Whole House, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Hubbard, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll was called, and a quorum was announced present.

(Mr. Minor in the chair.)

Mr. Howsley moved the previous question on the pending amendments on the Speaker's stand and the bill, and the main question was ordered.

Mr. Lemens offered the following amendment to the bill:

Amend Senate bill No. 25 by adding a new section immediately after Section 8, to be known as Section 8-c, which said section shall read as follows:

"Sec. 8-c. Said board or a majority thereof is hereby authorized to purchase from T. A. Ohlhausen the survey, maps and field notes of the river bed of the Sabine River in Gregg county, Texas, filed by him in the office of the Commissioner of the General Land Office during 1931 in connection with his application for a permit to prospect for oil or gas in said river bed.

The amount to be paid to the said T. A. Ohlhausen for said survey, maps and field notes shall not exceed the cost incurred by the said T. A. Ohlhausen in making said survey, maps and field notes. The cost of said survey, maps and field notes shall be paid out of the appropriation hereinabove provided for."

The amendment was lost.

Mr. Farrar offered the following amendment to the bill:

Amend Senate bill No. 25, Section 8, on page 3, line 2, by inserting between the words "and" and "adjacent" the words "near or."

The amendment was adopted.

Mr. Nicholson offered the following amendment to the bill:

Amend Section 8-aa as follows: "Provided, that territory shall not be considered as proven unless there is oil and/or gas production in paying quantities on both sides of the freshwater body."

The amendment was lost.

Mr. West of Coryell offered the following amendment to the bill:

Amend Senate bill No. 25, line 9, page 4 of the mimeographed copy, by striking out line 9, and insert in lieu thereof the words: "One-half in the General Fund and the other half in the Permanent School Fund."

WEST of Coryell,  
JOHNSON of Dimmit.

The amendment was adopted.

Mr. Farrar offered the following amendment to the bill:

Amend Senate bill No. 25, by adding after Section 3, another section to be designated as Section 3-a, to read as follows:

"Section 3-a. The State, or any lessee or assign, shall have the right of eminent domain against any adjoining landowner for the purpose of condemning so much of the surface of any adjoining lands as may be necessary to construct and maintain slush pools or other necessities or conveniences to dispose of slush, mud, water, or other substances to avoid and prevent pollution of the waters of such river, or obstruct its natural flow. Such condemnation proceedings shall be had and conducted in the same manner and under the same proceedings as are provided for by statutes of this State for

condemnations by railroads. Due regard shall be given to the rights of adjoining landowners for the use of lands upon which condemnation is sought, so as to avoid inconveniences for similar purposes by such adjoining landowner. In determining the value of adjoining lands condemned under this provision its value for the purposes for which it is condemned only shall be considered, and no consideration shall be had as to its value for minerals; and provided further, no more land may be condemned hereunder in any instance as may be necessary for the particular well or wells for which such condemnation may be had."

The amendment was adopted.

Mr. Terrell of Val Verde offered the following amendment to the bill:

Amend Senate bill No. 25, page 3, line 28, by striking out the word "sufficient" and inserting the following: "not to exceed two million dollars."

The amendment was lost.

Mr. Beck offered the following amendment to the bill:

Amend Senate bill No. 25, page 3, lines 8 and 9, by striking out the words "and shall be deposited to the General Fund" and substituting the following: "Who shall deposit in the General Fund such proportion of the receipts as may be produced from land not set apart for the Public Free School Fund, and, as to lands not so set apart, the funds derived therefrom shall be deposited according to the Constitution and the laws governing the disposition of funds derived from such lands."

The amendment was adopted.

Mr. Kennedy offered the following amendment to the bill:

Amend Senate bill No. 25, on page 4, lines 16 and 17, by striking out the word and figures "thirty (30)" in lines 16 and 17, and substitute the word and figures "fifteen (15)" for same.

The amendment was adopted.

Mr. Long offered the following amendment to the bill:

Amend Senate bill No. 25, at the end of Section 2, by adding the following:

"If said river beds are leased, the lessee is given the power to condemn

enough land on either side of the river as may be necessary to erect tanks, boilers, etc., provided the landowner is compensated therefor. The lessee shall also have the power to condemn a right of way, or right of ways, as may be necessary to obtain access to the river beds. The right of way and condemnation provisions shall be available to any parties that may obtain a lease on any of said river beds."

The amendment was adopted.

Mr. Long offered the following amendment to the bill:

Amend Senate bill No. 25 by adding at the end of Section 2, the following:

"Said board shall not lease tracts covering more than 60 acres to any individual, person, or corporation and provided further that no person, firm, individual, corporation shall ever acquire a larger interest than 60 acres, or acquire an interest of any kind in more than one tract, and if they should do so, it shall be void."

The amendment was lost.

Mr. O'Quinn offered the following amendment to the bill:

Amend Senate bill No. 25 by adding after the word "channels" the following: "State parks and the grounds of all State institutions."

The amendment was lost.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend Senate bill No. 25, page 3, Section 8-a, line 17, of mimeographed copy, by adding after the word "bidder" the following: "provided that no wells shall be drilled under the provisions of this act, except the number of wells that are authorized in the sound discretion of the Board of Mineral Development or Railroad Commission, to the end of a recovery for the State of the oil and/or gas that may be under said river bed."

The amendment was adopted.

Mr. Young offered the following amendment to the bill:

Amend Senate bill No. 25 by striking out the words "Chairman of the Railroad Commission" wherever it occurs and insert in lieu thereof "Attorney General."

The amendment was lost.

Mr. Young offered the following amendment to the bill:

Amend Senate bill No. 25, page 4, line 31, by inserting between the word "covering" and "river" the word "such," and between the words "beds" and "shall" the words "described in Section 8-a."

The amendment was adopted.

Mr. Young offered the following amendment to the bill:

Amend Senate bill No. 25 at the proper place by adding a new section to read as follows:

"Section —. If any section, provision or clause of this bill is held to be unconstitutional, then such unconstitutional section, provision or clause shall not affect the remaining provisions of this bill, and the remainder shall remain in full force and effect."

The amendment was adopted.

Mr. Young offered the following amendment to the bill:

Amend Senate bill No. 25, by adding a new section after Section 3, to be known as Section 3-aa, and renumbering subsequent sections accordingly, such new section to read as follows:

"Sec. 3-aa. This act in no wise is intended, or shall be held, to repeal or supersede Chapter 138, Acts of Regular Session, Forty-first Legislature, which validated, relinquished, quitclaimed, and granted to patentees and awardees and their assignees lands, and minerals therein contained, which lands are included in surveys lying across, or partly across, water courses or navigable streams in this State, and which have been patented or awarded as provided in said Chapter 138."

YOUNG,  
METCALFE,  
WAGSTAFF,  
WALKER.

The amendment was adopted.

Mr. Adams of Jasper offered the following amendment to the bill:

Amend Senate bill No. 25, by adding at the end of Section 2 the following: "If the board should decide to drill said river beds the drilling and labor shall be done by convict labor."

ADAMS of Jasper,  
LONG.

The amendment was lost.

Mr. Van Zandt offered the following amendment to the bill:

Amend Senate bill No. 25, Section 8-a, page 4, lines 19 and 21, by striking out the word and figures "one-eighth (1/8)" and inserting in lieu thereof the word and figures "one-fourth (1/4)."

VAN ZANDT,  
LASSETER,  
GILES.

The amendment was lost.

Mr. Sanders moved that Senate bill No. 25 be reported back to the House with the recommendation that it do pass, as amended.

The motion prevailed by the following vote:

Yeas—87.

Mr. Speaker.	Hines.
Adams of Harris.	Holder.
Adamson.	Holland.
Adkins.	Hoskins.
Akin.	Howsley.
Anderson.	Hughes.
Baker.	Jackson.
Barron.	Johnson
Beck.	of Dallam.
Bond.	Johnson
Bounds.	of Dimmit.
Boyd.	Jones of Shelby.
Brice.	Jones of Atascosa.
Burns of Walker.	Justiss.
Burns	Kennedy.
of McCulloch.	Laird.
Carpenter.	Lee.
Claunch.	Lemens.
Coltrin.	Leonard.
Cox of Lamar.	Lilley.
Cox of Limestone.	Lockhart.
Dale.	Magee.
DeWolfe.	Mathis.
Donnell.	Moore.
Dowell.	Petsch.
Duvall.	Ratliff.
Dwyer.	Ray.
Elliott.	Richardson.
Engelhard.	Rogers.
Farmer.	Rountree.
Farrar.	Sanders.
Fisher.	Savage.
Forbes.	Shelton.
Ford.	Smith of Bastrop.
Fuchs.	Sparkman.
Giles.	Stephens.
Goodman.	Steward.
Greathouse.	Terrell
Hanson.	of Cherokee.
Harrison	Turner.
of Waller.	Van Zandt.
Herzik.	Vaughan.
Hill.	Veatch.

Walker. Wiggs.  
Weinert. Wyatt.  
West of Coryell. Young.

## Nays—17.

Adams of Jasper. Morse.  
Gilbert. Nicholson.  
Grogan. Olsen.  
Hatchitt. Ramsey.  
Hefley. Sherrill.  
Holloway. Stevenson.  
Long. Terrell  
McDougald. of Val Verde.  
McGregor. Wagstaff.

## Absent.

Brooks. Martin.  
Caven. Mehl.  
Cunningham. Metcalfe.  
Daniel. Moffett.  
Dodd. Murphy.  
Dunlap. O'Quinn.  
Ferguson. Patterson.  
Finn. Pope.  
Graves. Reader.  
Hardy. Satterwhite.  
Hubbard. Scott.  
Johnson of Morris. Smith of Wood.  
Lasseter. Warwick.  
McCombs. West of Cameron.

## Absent—Excused.

Albritton. Kayton.  
Alsup. Keller.  
Bedford. McGill.  
Bradley. Munson.  
Bryant. Strong.  
Coombes. Sullivant.  
Davis. Tarwater.  
Harman. Towery.  
Harrison. Westbrook.  
of El Paso.

At 5:50 o'clock p. m., Mr. Sanders moved that the Committee of the Whole House rise and report progress.

The motion prevailed.

(Signed) FRED H. MINOR,  
Chairman of the Committee of the Whole House.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, October 1, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 59, A bill to be entitled "An Act to amend Article 1667, of

the Revised Civil Statutes of Texas for 1925, so that the provisions of said article shall hereafter extend to all counties containing a population of seventy-five thousand or more, as shown by the preceding Federal census, and declaring an emergency."

S. B. No. 51, A bill to be entitled "An Act to amend Article 197 of the Revised Civil Statutes, and to apportion the State of Texas into Congressional Districts, naming the counties composing each district, and providing for the election of a member of the United States Congress from each such district, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

Mr. Sanders moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate bill No. 25, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Hubbard, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

## BILL ORDERED NOT PRINTED.

On motion of Mr. Sanders, Senate bill No. 25 was ordered not printed.

## MOTION TO TAKE UP SENATE BILL NO. 25.

On motion of Mr. Sanders, that portion of Section 5, of Rule 19, which relates to the 72-hour and the 48-hour rules was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 25, A bill to be entitled "An Act to amend Section 1 of Chapter 271, House bill No. 358, General Laws of the Regular Session of the Forty-second Legislature, approved May 29, 1931, providing for the sale of lands belonging to the Public Free School Fund of the State of Texas,



except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said act, giving preference right to holders in good faith of surveys of land to purchase the same, amending Section 8 of said act, relating to the lease of all unsold public free school lands, and declaring an emergency."

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 25 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote), by the following vote:

## Yeas—81.

Mr. Speaker.	Holland.
Adams of Harris.	Howsley.
Adamson.	Hubbard.
Adkins.	Hughes.
Akin.	Johnson
Anderson.	of Dimmit.
Barron.	Jones of Shelby.
Beck.	Jones of Atascosa.
Bond.	Justiss.
Bounds.	Kennedy.
Boyd.	Lee.
Brice.	Lemens.
Burns of Walker.	Lilley.
Burns	Magee.
of McCulloch.	Metcalf.
Carpenter.	Moore.
Caven.	Petsch.
Claunch.	Ratliff.
Coltrin.	Ray.
Cox of Limestone.	Richardson.
Dale.	Rogers.
DeWolfe.	Rountree.
Donnell.	Sanders.
Dowell.	Savage.
Dunlap.	Shelton.
Duvall.	Smith of Bastrop.
Dwyer.	Sparkman.
Elliott.	Stephens.
Engelhard.	Steward.
Farmer.	Terrell of Cherokee.
Farrar.	Turner.
Fisher.	Van Zandt.
Ford.	Vaughan.
Fuchs.	Veatch.
Gilbert.	Wagstaff.
Giles.	Walker.
Goodman.	Warwick.
Greathouse.	Weinert.
Hanson.	West of Coryell.
Herzik.	Wiggs.
Hill.	Wyatt.
Hines.	Young.
Holder.	

## Nays—28.

Adams of Jasper.	Laird.
Baker.	Lasseter.
Cox of Lamar.	Leonard.
Forbes.	Lockhart.
Grogan.	Long.
Harrison	McDougald.
of Waller.	McGregor.
Hatchitt.	Mathis.
Hefley.	Morse.
Holloway.	Nicholson.
Hoskins.	Olsen.
Jackson.	Ramsey.
Johnson	Sherrill.
of Dallam.	Stevenson.
Johnson of Morris.	Terrell of Val Verde.

## Present—Not Voting.

O'Quinn.

## Absent.

Brooks.	Mehl.
Cunningham.	Moffett.
Daniel.	Murphy.
Dodd.	Patterson.
Ferguson.	Pope.
Finn.	Reader.
Graves.	Satterwhite.
Hardy.	Scott.
McCombs.	Smith of Wood.
Martin.	West of Cameron.

## Absent—Excused.

Albritton.	Kayton.
Alsup.	Keller.
Bedford.	McGill.
Bradley.	Munson.
Bryant.	Strong.
Coombes.	Sullivan.
Davis.	Tarwater.
Harman.	Towery.
Harrison	Westbrook.
of El Paso.	

## ADJOURNMENT.

On motion of Mr. Anderson, the House, at 6:03 o'clock p. m., adjourned until 6:04 o'clock p. m., Thursday, October 1, 1931.

## FIFTEENTH DAY.

(Thursday, October 1, 1931.)

The House met at 6:04 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and developed the fact that there was not a quorum present.

Mr. Sanders moved a call of the House for the purpose of securing a